IN RE: PETITION FOR ZONING VARIANCE E/S York Road, 91' S of the c/l of Oakway Road

(2047 York Road) 8th Election District 4th Councilmanic District Milanos, Inc. Petitioner

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-328-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \*

The Petitioner herein requests a variance to permit a business sign containing a total of 185.6 sq.ft. (92.8 sq.ft. each side) in a business zone, in lieu of the permitted 100 sq.ft. total, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Nikaloas Makris and Dimitrius Makris, Partners, appeared, testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, split zoned B.L. and R.O. is the site of a newly opened restaurant known as Milanos, Inc. The Petitioner is requesting a variance to permit the installation of an identification sign as depicted on Page 2 of Petitioner's Exhibit 1. Nikaloas Makris testified that the Petitioner contacted Mr. Belsinger of the Belsinger Sign Company to study other business signs in the vicinity of their restaurant and to design a sign for their establishment which would take into consideration traffic conditions and be compatible with others in the area. Mr. Makris indicated that the sign for Milanos, Inc. is, in fact, smaller than many of the signs in the area. The Petitioner introduced as Petitioner's Exhibit 2 a list of those businesses having signs in the surrounding area.

Mr. Makris indicated that to require strict compliance with the zoning regulations would create an unreasonable hardship as Milanos' sign would be lost amidst the other signs along York Road. In addition, a safety hazard would be created for drivers attempting to locate their establishment. He indicated that

Techtoian: PLEARING Zoning Violation: Yes \_\_ No \_\_ Citation Number: \_\_\_\_ \*Documents Enclosed

## ZONING DESCRIPTION

BEGINNING on the east side of York Road 91 feet south of the centerline of Oakway Road thence the 4 following courses and distances:

- ① s 19° 01' 44" E 30 feet
- ② N 70° 58' 16" E 20 feet
- (3) N 19° 01' 44" W 30 feet
- (4) S 70° 58' 16" W 20 feet

to the place of beginning. Containing 600 square feet in the Eighth Election Distrist. Also known as 2047 York Road, Timonium, Maryland 21093.

he believes the sign of the size and dimensions depicted on Petitioner's Exhibit l will give drivers adequate opportunity to locate the restaurant, signal, and safely turn into the parking lot.

The Petitioner seeks relief from Section 413.2F pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1975). To prove practical difficulty for an area variance, the Petitioner must meet the .ollowing:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would

not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from | 6 8 & which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

> PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2F to permit a business sign containing a total of 185.6 square feet 192.8 square feet each side) in a Business ---Zone, in lieu of the permitted total area of 100 square feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Exposure of business to York Road necessitates a sign with two fices for a reasonable exposure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this the file petition, and further agree to and are to be bound by the zoning regulations and restrictions of the second Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,

Zoning Commissioner of Baltimore County.

Signature  Signature  Signature  City and State  Signature  City and State  Attorney for Petitioner:  White, Mindel, Clarke & Hill  (Type or Print Name)  Signature R. Bruce Alderman  City and State  Name, add Address	S. INC. Dr Print Name)  ire panagiotis Makris  Dr Print Name)
City and State  City and State  Attorney for Petitioner:  White, Mindel, Clarke & Hill  (Type or Print Name)  Signature  Address  City and State  Address  Address  Signature  Address  Signature R. Bruce Alderman  City and State  Name, add Address	or Print Name)  The Panagiotis Makris  or Print Name)
Address (Type  City and State Signature  Attorney for Petitioner:  White, Mindel, Clarke & Hill  (Type or Print Name) Addres  Signature R. Bruce Alderman City and Address  Name, add Address	re Panagiotis Makris
City and State  Signature  Attorney for Petitioner:  White Mindel Clarke & Hill  (Type or Print Name)  Signature R. Bruce Alderman  Address  Name, add Address  Name, add Address	or Print Name)
Attorney for Petitioner:  White, Mindel, Clarke & Hill  (Type or Print Name)  Signature R. Bruce Alderman  City and State  Name, add Address  Address	re
White, Mindel, Clarke & Hill  (Type or Print Name)  Signature R. Bruce Alderman  City an  Address  Name, add Address	
Signature R. Bruce Alderman City an  Address  Name, add Address	
29 West Susquehanna Avenue Name, add tract purch	Phone Nu.
Address tract purch	1 State
TOWSON Marveland at and	ress and phone number of legal owner, coasser or representative to be contacted
Towson, Maryland 21204 City and State Name	
Attorney's Telephone No.: 828-1050	
Address	Phone No.  ounty, this 240

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29' day of February, 1988 that a business sign containing a total of 185.6 sq.ft. (92.8 sq.ft. each side) in a business zone, in lieu of the permitted 100 sq.ft. total, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED.

aMN:bjs

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an H Nao know is ANN M. NASTAPOWICZ Deputy Zoning Commissioner of Baltimore County

February 29, 1988

R. Bruce Alderman, Esquire White, Mindel, Clarke & Hill 29 W. Susquehanna Avenue Towson, Maryland 21204

RE: Petition for Zoning Variance E/S York Road, 91' S of c/1 of Oakway Road (2047 York Road) 8th Election District - 4th Councilmanic District Milanos, Inc. - Petitioner Case No. 88-328-4

Dear Hr. Aldermanı

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be indvised that any party may file an appeal to the County Found of Appeals. for further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Cormissioner for Baltimore County

cc: Feople's Counsel

File

AMMibjs

Enclosures

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-328-12

District 8Th  Posted for: Voriones	Date of Posting 1/31/88
Petitioner: Milones Fyc.	
Location of property: FB York Rd	Pil 5/Octwoy Rd
Droporly of Estaturing	, spare to fx xee two y
Remarks:	
Posted by Signature Signature	Date of return 2/3/57

## CERTIFICATE OF PUBLICATION

ing on the property standard have from 106 of the County Othe Chan mumber: \$5-245-A E-3 Yes Pend, \$1 \$ of \$4. Chiney Road 1987 Vall Road 30 Electur Dated 40 County Transcott Minney St. - Performer DAYS TRIE. Monday, Palestery 25, 1988 of 2:00 p.m. TOP SHOW DATE CALL 494-3391 Waterco to pared a business supto how of the particular type when of In the point that this Problem is granted at heading parties may be counted eather the thing Commission of the Counted eather. The things Commission of the counted the state of the manner of tend parties during the parties for the counted eather than the counted that he parties are the counted that he is national to the counted to the coun that he is under and received in the office by the date of the hearing and allows or presented at the hearing. A ROBERT HARES

TOWSON, MD. Feb. 3 1988 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_successive weeks, the first publication appearing on \_\_\_\_ Feb. 3 1988

TOWSON TIMES.

CERTIFICATE OF PUBLICATION

The Zentring Commissioned of Bal-tuners County, by authority of the Zentring Act and Responsions of Baltu-more County, will hold a public hearing on the property identifica-tion on Room bile of the County Office Building Office Building, bussed of 111 W. Chesaprake Avenue in Rowson Meryland as tolkown.
Care member: 86-328-A
ES York Poed, 91 5 ot ul Oatway Road
(AMT) tork Road)
Ath Election District —
Ath Councilmana: De trict
Milanus, Inc. — Preteorar
DATETIME Monday,
February 22, 1988 at 200 p.m.
TOR SECOND DATE CALL 494 31915 Vacuum to permut a business sign of the permutes business sign of the permuted business of the permuted business of this area of this permuted business of the permute of the permuted business of the permute In the event that the frantesis of fraction a basic first persons over he instead within the there (.1) does appeal the call for fraction and the fraction of the fraction and temperature of the fraction with fraction and persons does not in the second persons does not in the second persons does not in the second of the fraction of the fraction of the fraction of the fraction of the second of the fraction of the

TOWSON MD. FLB 4 19.88 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb 4 1988

THE JEFFERSONIAN,

- Kerean-Vinder Dalet

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Ro ert Haines

2/16/88



Dennis F. Rasmussen

Zoning Agenda: Meeting of 11/10/87

Mr. Penagiotis Makris Milanos, Inc. 8811 Weltham Woods Road Baltimore, Meryland 21234

Case number: 88-328-A E/S York Road, 91 S of c, t Oakway Road (2047 York Road) 8th Election District - 4th Councilmanic District Milanos, Inc. - Petitioner

Dear No. Makris:

Baltimore County Fire Department

Paul H. Reincke

Gentlemen:

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

Office of Planning and Zoning

Item No.: 161

Baltimore County Office Building

Re: "roperty Owner: Milanos, Inc.

of Public Works.

prior to occupancy.

( ) 6. Site plans are approved, as drawn.

Pfanding Group Special Inspection Division

Location: E/S York Road, 91' S. c/1 Oakway Road

Pursuant to your request, the referenced property has been surveyed by this

to be corrected or incorporated into the final plans for the property.

( ) 2. A second means of vehicle access is required for the site.

(x) 7. The Fire Prevention Bureau has no comments at this time.

Bureau and the comments below marked with an "X" are applicable and required

( ) 1. Fire hydrarts for the referenced property are required and shall be

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the

( ) 5. The buildings and structures existing or proposed on the site shall

REVIEWER: Catt Joseph Kelly 11-35-67 Approved: Approved:

located at intervals or \_\_\_\_ feet along an approved road in accor-

Fire Prevention Code prior to occupancy or beginning of operation.

comply with all applicable requirements of the National Fire Protection Association Standard No. 191 "Life Safety Code," 1976 edition

dance with Baltimore County Standards as published by the Department

Towson, Maryland 21204-2586

Please be advised that 96.4 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

November 25, 1987

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT AMOUNT \$ 916 -91 8 VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoni g Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by a thority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Cose number: 88-328-A E/S York Road, 91 S of c/1 Oakwey Road (2047 York Road) 8th Election District - 4th Councilmanic District Milanos, Inc. - Petitioner

DATE/TIME: MONDAY, FEBRUARY 22, 1988 at 2:00 p.m.

Variance to permit a business sign containing a total of 185.6 sq. ft. (92.8 sq. ft. each side ) in a Business Zone, in lieu of the permitted total area of 100 sq. ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain luring this period for good ved in this office by the date BALTIMORE COUNTY. MARYLAND

CYFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 01-615.000 RECEIVED White Clarke Mille Hill 8 8 917 - + - + 10 0 0 0 ta 2 7 5 wi VALIDATION OR SIGNATURE OF CASHIER

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines January 14, 1987 TO Zoning Commissioner P. David Fields

SUBJECT Zoning Petition No. 88-328-A

FROM Director of Planning and Zoning

This office is opposed to the granting of the subject request. It is this office's opinion that the regulations governing signs provide for ample square footage. Further, this office believes that major arterials already have been blessed with a plethora of signage.

P. David Fields per J. Howell
P. David Fields

PDF:JCH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

4414 1-25 DEED - Stencil Cut Faces Filli Areen with White Ill INATED COPT WHITE BOYUER STRIPE & CHANGEABLE COPY 135 FEATURE DISPLAY

AND (3) LINES OF O'

COP (ILLUMINATED) - CASPINDIUS COPINEIRS B'UN POLE -

ELEVATION: ROADSIVE POLE SIGN E) COLICEPT 1 (SINGLE POLE)

MILANO'S KESTAUPANT KELLINGER SIGNWORKS, INC. FICHT

SHT2 OF2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1988

COUNTY UFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Zoning Administration

industrial

Development

Bureau of

R. Bruce, Alderman, Esquire White, Mindel, Clarke & Hill 29 West Sysquehanna Avenue Towson, Maryland 21204

> RE: Item No. 161 - Case No. 88-328-A Petitioner: Milanos, Inc. Petition for Zoning Variance

Dear Mr. Alderman:

Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning as to the suitability of the requested zoning. Building Department Board of Education

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining memters are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filling on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Janus & Dyer /Kais Chairman

Zoning Plans Advisory Committee

Enclesures

JED:kkb

BEGINNING ON THE 12/5 OF YOR R.D. 91 PT. 5. OF THE C/L OF OAKWAY RD, THENCE THE 4 FOLIQUING COURSES AND DISTANCES: (1) S. 19° 01 44 E. 30 PT. (2) N. 70° 58' 16" K" 20FT. TO THE PLACE OF BEGINNING. CONTAINING 600 SAFT. IN THE 8TH ELECTION DISTRICT, PASS VKINITY MAP FARRING PROPOSED POB. NI9"01'44" V 204.98" MILANO'S PIESTAUPANT PLAT FOR ZOHILIG VARIANCE FOR PROPOSED POLESIGN" OWNER: MAKRIS BROTHERS LOTSIZE: 1.873ACE SCALE: DKTIKT: 8, ZONEV: 170-38128-18-815Act LOTHE-1-4, 82-84(NPGN81)

ZONING DECRIPTION

88-328-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue

Your petition has been received and accepted for filing this 24th day of Rovember , 1987.

Towson, Maryland 21204

Petitioner Milanos, Inc. Tetitioner's Attorney R. Bruce Alderman, Esquire Chairman, Joning Plans Advisory Committee









